

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

THE SECOND AMENDMENT  
FOUNDATION; THE CITIZENS  
COMMITTEE FOR THE RIGHT TO KEEP  
AND BEAR ARMS; LIBERTY PARK  
PRESS; MERRIL MAIL MARKETING;  
CENTER FOR THE DEFENSE OF FREE  
ENTERPRISE; SERVICE BUREAU  
ASSOCIATION; and ALAN GOTTLIEB,

Plaintiffs,

v.

ROBERT FERGUSON, individually and in  
his official capacity as Washington Attorney  
General; JOSHUA STUDOR, individually  
and in his official capacity as Washington  
Assistant Attorney General, Consumer  
Protection Division; THE ATTORNEY  
GENERAL'S OFFICE FOR THE STATE  
OF WASHINGTON; and JOHN DOES 1-10,

Defendants.

NO. 2:23-cv-01554

NOTICE OF REMOVAL TO  
FEDERAL COURT

**(Clerk's Action Required)**

TO: CLERK OF THE ABOVE-ENTITLED COURT;

AND TO: THE SECOND AMENDMENT FOUNDATION; THE CITIZENS  
COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS; LIBERTY  
PARK PRESS; MERRIL MAIL MARKETING; CENTER FOR THE  
DEFENSE OF FREE ENTERPRISE; SERVICE BUREAU ASSOCIATION;  
and ALAN GOTTLIEB, Plaintiffs;

1 AND TO: JACK M. LOVEJOY, STEVEN W. FOGG and SPENCER McCANDLESS,  
2 Counsel for Plaintiffs:

3 PLEASE TAKE NOTICE that without waiving any procedural or substantive defenses,  
4 Defendants Robert Ferguson, individually and in his official capacity as Washington Attorney  
5 General; Joshua Studor, individually and in his official capacity as Washington Assistant  
6 Attorney General, Consumer Protection Division; and the Attorney General's Office for the State  
7 of Washington (Defendants) hereby remove the lawsuit filed on September 18, 2023, in the State  
8 of Washington, King County Superior Court, under Case No. 23-2-17835-1 SEA by Plaintiffs  
9 the Second Amendment Foundation; the Citizens Committee for the Right to Keep and Bear  
10 Arms; Liberty Park Press; Merril Mail Marketing; Center for the Defense of Free Enterprise;  
11 Service Bureau Association; and Alan Gottlieb (Plaintiffs), to the United States District Court  
12 for the Western District of Washington (Seattle Division). Defendants provide the following  
13 short and plain statement of the grounds for removal:

14 1. This case alleges violations of Plaintiffs' federal civil rights under 42 U.S.C.  
15 § 1983, including the First, Fourth, and Fourteenth Amendments to the U.S. Constitution, as well  
16 as two state law claims. The complaint has not been answered by Defendants.

17 2. Plaintiffs initially filed suit in this Court on May 3, 2023, raising the same claims  
18 against the same Defendants, seeking the same relief, and based on the same factual allegations.  
19 *See* Case No. 2:23-cv-00647-MJP. Defendants moved to dismiss, and Plaintiffs voluntarily  
20 dismissed their complaint on July 11, 2023, in lieu of responding to Defendants' motion.

21 3. On September 18, 2023, Plaintiffs filed a complaint in the King County Superior  
22 Court of Washington, Case No. 23-2-17835-1 SEA, entitled The Second Amendment  
23 Foundation; the Citizens Committee for the Right to Bear Arms; Liberty Park Press; Merril Mail  
24 Marketing; Center for the Defense of Free Enterprise; Service Bureau Association; and  
25 Alan Gottlieb, Plaintiffs v. Robert Ferguson, individually and in his official capacity as  
26 Washington Attorney General; Joshua Studor, individually and in his official capacity as

1 Washington Assistant Attorney General, Consumer Protection Division; the Attorney General's  
 2 Office for the State of Washington, and John Does 1-10, Defendants. As noted, this complaint  
 3 is nearly identical to the federal complaint Plaintiffs had previously dismissed.

4 4. This complaint was received by Defendants on September 22, 2023. Pursuant to  
 5 28 U.S.C. § 1446(b)(1) and LCR 101(b), this notice of removal is being filed within thirty days  
 6 of the filing of the complaint.

#### 7 **INTRADISTRICT ASSIGNMENT**

8 5. Under 28 U.S.C. § 1331 the United States District Courts "shall have original  
 9 jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United  
 10 States."

11 6. Plaintiffs allege that Defendants violated their rights under the First, Fourth, and  
 12 Fourteenth Amendments of the U.S. Constitution and assert claims under 42 U.S.C. § 1983.

13 7. This is a civil action of which this Court has original jurisdiction under 28 U.S.C.  
 14 § 1331 and § 1343, and is one which Defendants may remove to this Court pursuant to 28 U.S.C.  
 15 § 1441(c) in that it is a civil action founded on claims arising under federal law. This Court may  
 16 exercise supplemental jurisdiction over any state law claims that are part of the same case or  
 17 controversy pursuant to 28 U.S.C. § 1367(a).

18 8. Venue in the United States District Court, Western District of Washington at  
 19 Seattle, is appropriate as this is the judicial district in which Plaintiffs allegedly reside or are  
 20 located, and the county in which this matter was plead. Defendants Robert Ferguson, Joshua  
 21 Studor, and the Office of the Attorney General are located in King County, Washington.

#### 22 **RESERVES AND IMMUNITY**

23 9. Defendants reserve all rights, defenses, and immunities, and this notice is made  
 24 without waiving Defendants' immunities or any other defenses they may have in response to this  
 25 lawsuit.  
 26

**SUPPORTING DOCUMENTS**

10. In compliance with 28 U.S.C. § 1446(a) and LCR 101(b), Defendants will file copies of all process, pleadings, and orders served upon it in this case within the fourteen day deadline and with the appropriate verification of authenticity. A copy of the Complaint is attached.

DATED this 11th day of October 2023.

ROBERT W. FERGUSON  
Attorney General

*s/ Lauryn K. Fraas*

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